

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2001

Docket No. R2001-1

MOTION OF THE UNITED STATES POSTAL SERVICE
REQUESTING WAIVER OF THE COMMISSION RULES
WITH RESPECT TO CATEGORY 1 LIBRARY REFERENCES
(September 24, 2001)

By separate pleading, the Postal Service has submitted with its Request a notice regarding the master list of library references included with the filing. The instant motion is a request for waiver, where necessary, of the Commission's procedures governing library reference practice, with respect to all Category 1 (Data Reporting Systems) library references. The relevant library references have been identified as such in the master list in the lefthand "Category" column, and are also identified below:

USPS-LR-J-1	Summary Description of USPS Development of Costs by Segments and Components, FY 2000
USPS-LR-J-2	USPS Costs and Revenue Analysis, FY 2000
USPS-LR-J-3	Development of Cost Segments and Components Report, FY 2000
USPS-LR-J-10	In-Office Cost System (IOCS) Statistical and Computer Documentation (Source Code and Data on CD-ROM)
USPS-LR-J-11	IOCS-CODES Computer System Documentation and Source Code (w/CD-ROM)
USPS-LR-J-12	City Carrier Cost System (CCCS) Statistical and Computer Documentation (Source Code and Data on CD-ROM)
USPS-LR-J-13	Rural Carrier Cost System (RCCS) Statistical and Computer Documentation (Source Code and Data on CD-ROM)
USPS-LR-J-14	Handbook F-65, Data Collection User's Guide for Cost Systems, TL-2, March 1999

USPS-LR-J-15	CCCA-RCCS CODES Computer System Documentation and Source Code (W/CD-ROM)
USPS-LR-J-16	Domestic Revenue, Pieces and Weight (DRPW) Statistical and Computer Documentation (Source Code and Data on CD-ROM)
USPS-LR-J-17	Jointly Scheduled Tests
USPS-LR-J-18	Bulk Mail Revenue, Pieces and Weight System (BRPW) Computer System Documentation
USPS-LR-J-19	Bulk Mail Revenue, Pieces and Weight System (BRPW) Statistical System Documentation
USPS-LR-J-20	Bulk Mail Revenue, Pieces and Weight System (BRPW) Variance Estimation Program Documentation
USPS-LR-J-21	Revenue, Pieces, and Weight Adjustment System (ARPW) Documentation and Source Code
USPS-LR-J-22	RPW-CODES, Computer System Documentation and Source Code
USPS-LR-J-23	Handbook F-75, Data Collection User's Guide for Revenue, Volume, and Performance Measurement Systems, TL-2, September 1999
USPS-LR-J-24	Permit System, User Guide and Periodical User Guide
USPS-LR-J-25	Permit System, Computer System Documentation Description
USPS-LR-J-29	TRACS Commercial Air Subsystem Statistical and Computer Documentation (Source Code and Data on CD-ROM)
USPS-LR-J-30	TRACS Rail (Amtrak) Subsystem Statistical and Computer Documentation (Source Code and Data on CD-ROM)
USPS-LR-J-31	TRACS Network Air Subsystem Statistical and Computer Documentation (Source Code and Data on CD-ROM)
USPS-LR-J-32	TRACS Highway Subsystem Statistical and Computer Documentation (Source Code and Data on CD-ROM)
USPS-LR-J-33	TRACS Freight Rail Statistical and Computer Documentation

(Source Code and Data on CD-ROM)

USPS-LR-J-34	Supplemental Statistical Programs Policies & Data Collection Instructions
USPS-LR-J-35	TRACS-CODES Computer System Documentation and Source Code (w/CD-ROM)
USPS-LR-J-45	ODIS-CODES, Computer System Documentation Description and Source Code
USPS-LR-J-98	FY 2000 Billing Determinants
USPS-LR-J-137	Origin-Destination Information System (ODIS) Quarterly Statistic Reports (FY99 Q4 - FY2001 Q4)

Generally, the Postal Service requests that to the extent that it could be argued that its filing does not actually or substantially comply with all of the requirements of Rule 31(b)(2) with respect to the above Category 1 library references, that those requirements be waived. This request is discussed in more specific terms below.

The intended primary purposes of the revisions to Rule 31(b)(2) after Docket No. R97-1 were to limit library references to appropriate circumstances and categories of material, and to ensure that adequate information is provided to identify the contents of library references and to indicate how they relate to the case. See Order No. 1263 at 3. The Postal Service submits that, in the context of its Category 1 library references, *these purposes are achieved by virtue of the historical practice regarding these types of library references, and by the information included on the master list, within this motion, and within the library references themselves.* Most specifically, the nature of Category 1 library references is such that there has never been a genuine issue that these materials are most appropriately filed as library references, and their nature is also such

that there is no need for the filing of a separate notice for each library reference, as might otherwise appear to be required by Rule 31(b)(2)(iv).

Primarily in response to earlier amendments to Rules 31(k) and 54 regarding required background documentation, the Postal Service over many cases has included with its filing a large number of library references relating to its data reporting systems. (By definition, as these materials relate to the Postal Service's data reporting systems, they now constitute Category 1 material under the library reference groupings adopted in the new Rule 31(b)(2)(i).) This practice has generated no controversy, and has thus implicitly been deemed an acceptable vehicle for providing massive amounts of information of generally little interest to most rate case participants.¹ Presumably, those parties that have been interested have been able to satisfy their needs by their own examination of this material, or with the assistance of minimal formal or informal discovery requests to the Postal Service. Based on past practice, it would thus appear to be beyond cavil that reference to, identification of, and use of this material has been

^{1/} While in Docket No. R2000-1 there was controversy surrounding the scope of the foundational material necessary to support reliance on RPW data, there was no contention that the documentation which actually was furnished should have been provided in some format other than as library reference material. UPS in that case sought additional material, not resubmission of the same material under some other format. Moreover, the factors cited by the Presiding Officer in denying UPS much of the relief requested are factors which are applicable to other reporting systems as well, and underscore the unique nature of Category 1 material. Those factors are the long-established nature of the reporting systems, their use as a basic source of business information routinely collected and employed by the Postal Service in contexts other than ratemaking, and their use over many years by both the Postal Service and the Commission to support specific rate and classification cases, and for purposes of periodic reporting. See Presiding Officer's Ruling No. R2000-1/72 (May 30, 2000) at 2, 7.

and will be facilitated if it is made available as Category 1 library reference material. Therefore, the Postal Service seeks a waiver of the portion of Rule 31(b)(2)(iv) that would otherwise appear to require a separate notice for each Category 1 reference,² and the portion of Rule 31(b)(2)(iv)(A) that would otherwise appear to require more extensive discussion of why these materials are being submitted as library references.³

Among the distinguishing features of Category 1 material is the fact that its content and/or format tend to be relatively stable from case to case. While stability enhances confidence in the systemic nature of this material, it also leads to difficulties in complying with one aspect of the new rules -- identification of the persons who contributed to its creation. Generally speaking, all Category 1 material is produced by combinations of individuals who at one time or another were responsible for the development, operation, and maintenance of the particular system in question. Those individuals may have been on the Postal Service's internal technical staff, or may have been consultants. Over the years, given the massive nature of the material in question, and the scope of the joint production teams who have assisted in its preparation, awareness of the identity of its creators may not have survived as long as the

^{2/} In general, consistent with practice in the last rate case, the types of information that Rule 31(b)(2)(iv) appears to contemplate would be provided in the library reference notice are instead being included within the preface, summary, or introduction of the library reference itself. In the context of the Postal Service's initial filing, with its myriad Category 1, 2, 3, and 5 references, that approach seems most efficient, and does not appear to have created any problems in the past.

^{3/} There is no apparent need to seek a waiver of the portion of Rule 31(b)(iv)(B) regarding an indication of the category in which the reference is included, as complete information on categories is included in the Master List. Similarly, with regard to that same subparagraph, Category 1 references tend not to include survey results.

documentation itself. Moreover, with respect to documents which present or summarize the quarterly or annual outputs of a data system, the range of individuals involved would conceivably cover the Postal Service's entire data collection and data processing staffs. Given the presumption of regularity and trustworthiness that is accorded business practice records material, however, attempting to identify individuals in this context is neither necessary nor particularly useful. Therefore, the Postal Service seeks a waiver of the portion of Rule 31(b)(2)(iv)(D) that might otherwise perhaps require a more extensive discussion of the authors of, or principal contributors to, the Category 1 library references.

In terms of other purposes of the rules, past experience provides no reason to question the ability of parties to understand (to whatever extent has been necessary for their purposes) how the contents of Category 1 references relate to the rest of the case. Moreover, the Postal Service believes that most (if not all) of the Category 1 references include information regarding predecessor materials filed as references in previous cases, and that therefore no waiver of Rule 31(b)(2)(iv)(G) should be necessary. In response to perceived concerns (see Presiding Officer's Ruling No. R2000-1/13 at 4-5) regarding the provisions of Rule 31(b)(2)(iv)(C), (E), and (F), however, the Postal Service has endeavored to expand the information contained within each reference regarding how it relates to the overall case and to individual testimonies.

With respect to Rule 31(b)(2)(vii), also relating to perceived concerns expressed in the last case, the Postal Service has made additional efforts to provide copies of electronic versions of Category 1 references. Of 29 Category 1 references, 26 include materials in electronic format. Instances in which that is not the case include those in

which the reference is a hardcopy printout of materials from a mainframe program that cannot be converted into non-mainframe files (e.g., J-3), and those in which the reference is an aggregation of material for which no unified electronic version exists (e.g., J-137 and J-98, but the same or similar billing determinant information in J-98 appears in the electronic versions of the rate design materials). With respect to Rule 31(b)(2)(vi), the Postal Service has sought to augment the optional preface or summary included within the Category 1 references. With respect to Rule 31(b)(2)(iv)(H), the Postal Service does not expect that any portions of its Category 1 references will be entered into evidence. Were that not the case, the references involved would have been filed as Category 2 instead of Category 1. Lastly, with respect to Rule 31(b)(2)(v), each of the Category 1 library references should already be labeled in accordance with proper notation standards.

Wherefore, for all of the above reasons, the Postal Service respectfully requests that to whatever extent it could be argued that its filing does not actually or substantially comply with all of the requirements of Rule 31(b)(2) with respect to the

above Category 1 library references, that those requirements be waived.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorney:



Eric P. Koetting

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.



Eric P. Koetting

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